## HIGH COURT OF CHHATTISGARH AT BILASPUR

**WRIT PETITION (S) No. 2187 of 2007**

**PETITIONER** : VASUDEO KASHINATH SAWADE aged about 55 years, S/o Shri Kashinath Sawade, Presently posted as Deputy Manager (Accounts) C.G. Rajya Been Krishi Vikas Nigam Limited, Raipur (C.G.) R/o B-12, Phase no. 1, Behind Chhattisgarh Hotel, Vishal Vihar, Raipur, Distt. Raipur (C.G.)

**VERSUS**

**RESPONDENTS** :
1. Union of India Through: The Secretary, Ministry of Personnel, Public Grievances and Pension (Department of Personnel & Training), 3rd Floor, Lok Nayak Bhawan, Khan Market, New Delhi.
2. State of Chhattisgarh Through: Secretary Department of Agriculture, Mantralaya, Dau Kalyan Singh Bhawan, Raipur (C.G.)
3. State of Madhya Pradesh Through: The Secretary, Department of Agriculture, Vallabh Bhawan, Bhopal, M.P.
4. Chhattisgarh Rajya Beej Evam Krishi Vikas Nigam Limited, "Beej Bhawan" G.E. Road, Ravigram, Telibandha, Raipur, Distt. Raipur (C.G.) Through: Managing Director Raipur (C.G.)
5. Managing Director, Chhattisgarh Rajya Beej Eva Krishi Vikas Nigam Limited "Beej Bhawan" G.E. Road, Ravigram, Telibandha, Raipur, Distt. Raipur (C.G.)
6. The Madhya Pradesh State Agro Development Corp. Ltd. (M.P. Govt. Undertaking) "Panchanan", 3rd Floor Malviya Nagar, Bhopal M.P.

WRIT PETITION UNDER ARTICLE 226(C) OF THE CONSTITUTION OF INDIA.

**Single Bench : Hon'ble Justice Shri Satish K. Agnihotri.**

Present: Shri V.G.Tamaskar, Advocate for the petitioner.
Shri S.K.Beriwal, Standing Counsel for the respondent No.1.
Shri Satish Gupta, Advocate for the respondent No. 2.
Shri Prakash Tiwari, Advocate for respondent No. 4 and 5.

**ORDER**

(Passed on 14th day of June, 2007)

1. The petitioner is Deputy Manager (Accounts). He was working as Deputy Manager, M.P. State Agro Development Corporation Ltd. Bhopal, as it

then was, before creation of the State of Chhattisgarh on 01.11.2000. The dispute arose with regard to the allocation of the services of the petitioner between the present State of Madhya Pradesh and the State of Chhattisgarh. This Court, by order dated 25.08.2006 in W.P.(S) No. 4128 of 2006, after having observed that the respondent no. 1, Secretary, Ministry of Personnel, Public Grievances and Pension, New Delhi to pass appropriate order regarding issuance of the final allocation list at the earliest in accordance with law, disposed of the petition. The then learned counsel appearing on behalf of Union of India, Shri Bhishma Kinger, submitted that the Union of India would pass final order within three months time pursuant to the observations made by this Court in the order dated 25.08.2006.

2. The Government of India, Ministry of Home Affairs, vide its letter dated 15th Jan. 2007 (Annexure P/4) under the provisions of Section 60 of the M.P. Reorganization Act, allocated the services of the petitioner to the State of Chhattisgarh.

3. Shri Tamaskar, learned counsel appearing for the petitioner submits that despite final order passed by the Government of India, the respondent no. 4 and 5 are not permitting the petitioner to join the office in Chhattisgarh. Learned counsel further submits that the Government of Chhattisgarh Agriculture Department, by its order no. 1199/B.15/19/2005/14-2 dated 28.03.2007, directed the Managing Director, Chhattisgarh Rajya Beej Avum Krishi Vikas Nigam, to permit the petitioner to join the office of Deputy General Manager (Accounts).

(59)

4. Shri Prakash Tiwari, learned counsel appearing for the respondent No. 4 and 5 submits that the petitioner could not be permitted to join the office as no relieving order has been passed by the respondent no. 6.

5. Learned counsel for the petitioner submits that the petitioner has never joined the office of the respondent No. 6 even after the petitioner was relieved from the services of the respondent No. 4 and 5. In view of that, the petitioner be permitted to join the office of the respondent No. 4 and 5 with immediate effect.

6. Be that as it may. Since the final order of allocation has been passed by the Government of India, allocating the services of the petitioner to the State of Chhattisgarh, the respondent no. 4 and 5 are bound to accept the service of the petitioner on the same capacity i.e. Deputy General Manager (Accounts). In view of that, the respondent no. 6 is directed to pass relieving order within a period of one week, if any. Thereafter, the respondent No. 4 and 5 shall give posting order to the petitioner within a period of one week.

7. In view of the foregoing, the petition stands disposed of. No order as to cost.

**Sd/-**
**Satish K. Agnihotri**
**Judge**

Amit